



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,580	01/29/2001	Joel D. Medlock	9824-030-999	2344

20583 7590 06/04/2004

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER

BURD, KEVIN MICHAEL

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,580

Applicant(s)

MEDLOCK, JOEL D.

Examiner

Kevin M Burd

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Specification

1. The disclosure is objected to because of the following informalities: on page 7, lines 9-11, the serial of the co-pending application must be included or removed from the specification.

Appropriate correction is required.

Claim Objections

2. Claim 11 is objected to because of the following informalities: the labels of the search components lists "(b)" twice. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5-9, 11-13, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lomp et al (US 5,796,776).

Regarding claims 1, 7 and 11, Lomp discloses an apparatus for correlating a first data sequence (column 31, lines 26-41) with a local code sequence (column 29, lines 11-13). Figure 17 shows the incoming signal being delayed by a delay and generating a first data sequence. The first data sequence is delayed again generating a second data sequence. A first despreader 1902 despreads the first data sequence and

Art Unit: 2631

a second despreader 1903 despreads the second data sequence. The outputs of these despreaders are input to summer 1921.

Regarding claims 2 and 12, the second data sequence is input to a delay and generates a third data sequence. A third despreader 1904 (not shown in figure 17 be described in column 31, lines 26-41) despreads the third data sequence. The outputs of the second and third despreaders are input to summer 1921 and produce a new summed result.

Regarding claims 5 and 6, a PN code sequence is generated to despread the received signal (column 29, lines 11-13).

Regarding claims 8, 9 and 13, the summation occurs over time and the summation result is used to determine if the receiver is synchronized with its remote transmitter (column 31, lines 39-41).

Regarding claims 16 and 17, Lomp discloses an apparatus for correlating a first data sequence (column 31, lines 26-41) with a local code sequence (column 29, lines 11-13). Figure 17 shows the incoming signal being delayed by a delay and generating a first data sequence. The first data sequence is delayed again generating a second data sequence. A first despreader 1902 despreads the first data sequence and a second despreader 1903 despreads the second data sequence. The outputs of these despreaders are input to summer 1921. Lomp further discloses the second data sequence is input to a delay and generates a third data sequence. A third despreader 1904 (not shown in figure 17 be described in column 31, lines 26-41) despreads the

Art Unit: 2631

third data sequence. The outputs of the second and third despreaders are input to summer 1921 and produce a new summed result.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lomp et al (US 5,796,776) in view of Latva-aho et al (US 5,654,980).

Regarding claims 3 and 14, Lomp discloses the apparatus stated above in paragraph 3. Lomp discloses the individual despreaders receive message signal data with a one chip delayed version of the same pilot signal (column 31, lines 26-32). Lomp does not disclose delaying the signal by one half-chip delay. However, Latva-aho discloses the most generally used method in CDMA systems comprises monitoring the code phases in half-a-chip intervals as compared with the received signal (column 1, lines 64-67). It would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the teachings of Latva-aho into the apparatus of Lomp since this well know method is economical to implement (column 1, line 67 to column 2, line 4).

Regarding claims 4 and 15, two half-a-chip intervals equal one chip interval.

Regarding claim 10, Lomp discloses the apparatus stated above in paragraph 3. Lomp discloses the individual despreaders receive message signal data with a one chip delayed version of the same pilot signal (column 31, lines 26-32). Lomp does not disclose delaying the signal by one half-chip delay. However, Latva-aho discloses the most generally used method in CDMA systems comprises monitoring the code phases in half-a-chip intervals as compared with the received signal (column 1, lines 64-67). Two half-a-chip intervals equal one chip interval. It would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the teachings of Latva-aho into the apparatus of Lomp since this well know method is economical to implement (column 1, line 67 to column 2, line 4).

Contact Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

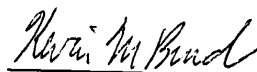
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 6:00 PM.

Application/Control Number: 09/772,580

Page 6

Art Unit: 2631

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd
PATENT EXAMINER
5/29/2004